REMARKS

Claims 1-11 are pending. The office action rejected claims 1-9 and objected to claims 10 and 11. Applicants respectfully traverse the rejection of the application and request allowance of the application for the reasons below.

Claims Rejections – 35 USC § 102

Claims 1 and 6-8 have been rejected under 35 USC §102(b) as being anticipated by Monco et al. According to the Examiner, Monco discloses the claimed invention:

"Monco et al. discloses mobile communication unit comprising the following claimed limitations: a plurality of distinct filters selectably coupled to the input and the output (Fig. 2, 3, blocks 30, 32) wherein each one of the plurality of filters has a different set of pre-calculated filter coefficients (page 11, lines 25-28); a switching circuit that selects one of the plurality of distinct filters based on an error signal (page 11, lines 29 - page 12, line 3) resulting from a decoding operation on a signal from the communication system (Fig. 2, 3, comparator 40)."

Applicants respectfully traverse the Examiner's reading of Monco. Monco discloses a method for improving input signal reception by selecting a filter based on a set of **predetermined conditions** (the predetermined conditions mentioned in Monco are **not** error signals) matching characteristics associated with the input signal. The Examiner makes specific reference to FIG. 3 showing a unit having filters 30, 32 each associated with information 30a, 32a indicating that one filter 30 is associated with a first predetermined condition (e.g., low vehicle speeds) and the other filter 32 is associated

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with a second predetermined condition (e.g., high vehicle speeds). The filter selection is based on the predetermined conditions. However, the system is **not** able to handle signals that don't match these predetermined conditions. Rather, the system, selects a filter which is limited to a set of predetermined conditions. Thus, if the signal does not match or correspond to a predetermined condition, then it appears that no filter selected.

In sharp contrast, Applicant's invention, as recited in claim 1, discloses a device that selects one of a plurality of filters based on an error signal. For example, in one embodiment, the device (or method) receives an input and examines information from an error signal associated with the input. The device selects the best filter from one of a plurality of filters based on the received information without limit to predetermined conditions. Regardless of the type of error signal received a filter <u>will</u> be selected. In contrast, Monco selects a filter based on a set of limited predetermined conditions. Consequently, Monco fails to teach or suggest claims 1 and 6-8, and thus does not anticipate the claimed invention for at least the above reasons.

Claims Rejections – 35 USC § 103

Claims 2-5 and 9 have been rejected under 35 USC § 103(a) as being unpatentable over Monco.

The Examiner asserts that Monco teaches or suggests dependent claims 2-5 and 9. As outlined above in response to the Examiner's rejection under 35 USC § 102(b), Monco does not anticipate independent claims 1 and 8. Thus, for at least the same reasons as claims 1 and 8, Monco fails to teach or suggest respective dependent claims 2-5 and 9 of the present invention.

Allowable Subject Matter

The Examiner has indicated that dependent claims 10 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

The Applicants thank the Examiner for the allowable subject matter. However, for the reasons given above, Applicants believe that claims 1-9 are also allowable and thus claims 10-11 need not be modified.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on August 11, 2004, Applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow claims 1-11 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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Date: November 9, 2004

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